REMARKS

The Applicant has now had an opportunity to carefully consider the comments set forth in the Office Action mailed November 28, 2006. The rejection of the claims, including the rejections of claims 4-6, 16 and 23 according to new grounds, are respectfully traversed. Reexamination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action mailed November 28, 2006:

a Response to Arguments presented in Applicant's Amendment G, which was mailed on August 25, 2006 and received in the Office on August 30, 2006, was provided;

the rejections of **claims 1, 7-8, 10, 12, 15, 18-20** and **22** under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0012356 A1 by McDuff, et al. ("McDuff") in view of U.S. Patent No. 6,549,918 B1 to Probert, Jr., et al. ("Probert") were maintained;

the rejections of **claims 2-3, 9, 11, 17** and **21** under 35 U.S.C. §103(a) as being unpatentable over McDuff in view of Probert and further in view of U.S. Patent No. 5,661,789 to Boyle, et al. ("Boyle") were maintained; and

claims 4-6, 16 and **23** were rejected under 35 U.S.C. §103(a) as being unpatentable over McDuff in view of Probert and further in view of U.S. Patent No. 6,226,516 to Gupta, et al. ("Gupta").

Correction/Clarification of the Record

It is respectfully submitted that the Detailed Action mailed November 28, 2006 includes errors.

On page 2 of the Detailed Action, Section 4 indicates that "this action is made final since the objections of claims 4-6, and 16 have been withdrawn in view of reference Gupta, et al. (US 6,226,516)." However, it is respectfully submitted that this portion of the Office Action was meant to say --this Action is made **non-final** since the allowance of **claims 4-6** and **16** has been withdrawn in view of the reference Gupta, et al. (US 6,226,516)." It is respectfully submitted that the Examiner agreed that this portion of the Office Action is in error during a brief telephone conference that occurred during the end

of November or beginning of December 2006.

Additionally, it is respectfully submitted that the Office Action Summary mailed November 28, 2006 correctly indicates that this Action is non-final.

Additionally, under the subheading --Conclusion--, on page 11, Section 10 of the Detailed Action indicates that Gupta, et al. was not relied upon but considered pertinent. However, as indicated above, in the present Office Action, Gupta is relied upon in the rejections of **claims 4-6**, **16** and **23**.

Reply to Response to Arguments

In the --Response to Arguments--, the Office Action addresses three issues raised in Applicant's Amendment G.

With regard to Applicant's argument that McDuff does not disclose a telecommunications network switch, the Office Action makes reference to paragraphs 7 and 33 of McDuff and takes the contrary position. However, even paragraphs 7 and 33 do not make reference to a switch. Instead, as depicted, for example, in FIG. 1, the system of McDuff includes a device referred to as an automatic call distributor (ACD) 16 (e.g., paragraph 33 cited by the Office Action). Paragraph 33 indicates that the call center includes an automatic call distributor or other "switching mechanism" for distributing incoming calls within the call center. Paragraph 7 also makes reference to a "switching mechanism." However, it is respectfully submitted that paragraphs 7 and 32 avoid the use of the word --switch--. It is respectfully submitted that if McDuff considered the ACD of McDuff to be a --switch--, McDuff would not use the more complicated term --switching mechanism--. It is respectfully submitted that in the context of the present application --switch-- is a term of art recognized and understood by those of ordinary skill in the art. Furthermore, it is respectfully submitted that one of ordinary skill in the art would recognize that the automatic call distributor of McDuff is not appropriately referred to as a switch. Accordingly, McDuff does not refer to the automatic call distributor as a switch. Instead, McDuff indicates that the automatic call distributor is a --switching mechanism--.

Accordingly, the rejections of **claims 1**, **7-8**, **10**, **12**, **15**, **18-10** and **22**, which rely on McDuff for disclosure of receiving raw switch data from a digital switching system, are respectfully traversed.

Regarding arguments related to the phrase "raw data," the Response to

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Arguments asserts that the raw data of McDuff is raw data at the switching system, and so it is "raw switch data" as recited in claim 1. However, claim 1 recites *inter alia*: receiving raw switch data from a digital switching system, <u>wherein the raw switch data is stored by the digital switching system in a switch database</u>. It is respectfully submitted that the raw data of McDuff is not stored by a digital switching system in a switch database. Accordingly, the raw data of McDuff is different than the raw switch data recited in **claim 1**.

It is respectfully submitted that the system of McDuff does not include a switch as recited in the claims of the present application. Furthermore, it is respectfully submitted that McDuff does not disclose or suggest that the automatic call distributor of McDuff includes a database. Moreover, it is respectfully submitted that McDuff does not disclose or suggest that the raw data of McDuff is stored in a database of a switch or even of the automatic call distributor of McDuff. Accordingly, McDuff does not disclose or suggest receiving raw switch data from a digital switching system, wherein the raw switch data is stored by the digital switching system in a switch database as recited in **claim 1**.

It is respectfully submitted that paragraphs 83-86 of McDuff, cited by the Office Action in this regard, are directed to FIG. 19 and the supervisor view, for a given supervisor, of information provided by a computer/telephony integration monitoring server (CTIMS) 36 (paragraphs 33 and 34). <u>Accordingly, it is respectfully submitted that any implication of stored data the Office might find in paragraphs 83-86 is an implication of data stored by the CTIMS 36 and not data stored in a database of a switch or even of the automatic call distributor of McDuff</u>.

Accordingly, the rejections of **claims 1**, **7-8**, **10** and **12**, which rely on McDuff for disclosure of receiving raw switch data from a digital switching system, wherein the raw switch data is stored by the digital switching system in a switch database are respectfully traversed.

With regard to arguments that Probert does not cure these deficiencies of McDuff, i.e., that Probert does not disclose or suggest receiving raw switch data from a digital switching system, the Response to Arguments indicates that the Examiner agrees that Probert does not disclose or suggest receiving raw switch data from a digital switching system. In this regard, the Response to Arguments asserts that McDuff in combination with Probert discloses that feature.

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However, since it is agreed that Probert does not disclose or suggest receiving raw switch data from a digital switching system and since, as indicated above, McDuff does not disclose or suggest receiving raw switching data from a digital switching system and, moreover, wherein the raw switch data is stored by the digital switching system in a switch database. Accordingly, it is respectfully submitted that the combination of McDuff and Probert cannot disclose or suggest such a feature.

For at least the foregoing additional reasons, independent **claims 1**, **7**, **15** and **19**, as well as **claims 2-6**, **8-12**, **16-18** and **20-23**, which depend respectively therefrom, are not anticipated and are not obvious in view of McDuff and Probert.

Arguments Overlooked by the Response to Arguments

Additionally, it is respectfully submitted that the --Response to Arguments-- section of the present Office Action does not address a number of other arguments that were presented in Applicant's Amendment G.

Accordingly, in this regard, it is respectfully submitted that the Office Action is incomplete.

For example, as submitted in Applicant's Amendment G, it is respectfully submitted that at the time the invention was made, there was no motivation in the art to combine the subject matter of McDuff with the subject matter of Probert as suggested by the Office Action. For instance, Applicant's Amendment G asserts that the motivation suggested by the Office Action can only have been based on impermissible hindsight after review of the present application.

In this regard, it is respectfully submitted that McDuff includes eight figures (FIG. 13 - FIG. 20) which depict displays of information which are appropriate to the purpose of McDuff. It is respectfully submitted that there is no indication in McDuff that the displays provided by McDuff could be improved on by eliminating the graphical nature of the displays and replacing them with rows and columns of a spreadsheet, or with any other display design. Therefore, it is respectfully submitted that there is no motivation in the art (other than that provided by the present application) to combine subject matter of Probert with the subject matter of McDuff. Page 13 of Applicant's Amendment G further addresses these points.

Additionally, while Probert discusses data format conversions and, in particular, discusses conversion of data for different versions of a single application, such as

between documents stored in Word 7.0 format and Word 8.0 format (column 8, lines 36-39), it is respectfully submitted that Probert does not disclose or suggest that all available data should be converted from one format to another. In particular, Probert does not disclose or suggest that raw switch data, from a telecommunications network switch or otherwise, should be converted to another format. Moreover, even if Probert mentions spreadsheet programs, Probert does not disclose or suggest that raw switch data should be converted to a format that is compatible with a spreadsheet program.

Since McDuff does not disclose or suggest a need or advantage for converting raw switch data to a format compatible with a spreadsheet, and since the Examiner agrees that Probert does not disclose or suggest converting raw switch data to a format compatible with a spreadsheet program, it is respectfully submitted that the motivation for combining subject matter from McDuff with subject matter from Probert could only have been gleaned from the present application. Accordingly, the Office has not met its burden of presenting a *prima facie* case of obviousness and the rejections of **claims 1-12** and **15-23** are based on impermissible hindsight reasoning.

Further in this regard, the Office Action asserts that the combination of the outputting and storing features to McDuff and Probert would help providing and checking data when needed and keeping the received data for later use. However, as indicated, for example, on page 14 of Applicant's Amendment G, McDuff teaches away from keeping data for later use. For example, near the end of paragraph 45, McDuff indicates that an entity module 104 is responsible for resetting the statistics. This module may reset the statistics on a daily basis <u>so that the statistics are current</u> only for the given day. Accordingly, there is no motivation to combine Probert with McDuff in order to keep data for later use as suggested by the Office Action. Accordingly, the Office has not met its burden of presenting a *prima facie* case of obviousness and **claims 1-12** and **15-23** are not anticipated and are not obvious in light of McDuff and Probert.

Additionally, the response to arguments does not address the assertions made on pages 14 and 15 of Applicant's Amendment G that the assertions of the Office Action with regard to **claim 18** notwithstanding, paragraphs 67 and 71 do not disclose or suggest that raw switch data includes recent change and verify data. Even if paragraph 67 includes the word --change--, it is respectfully submitted that paragraph 67 does not discuss the "raw data" of McDuff or recent change and verify data (RC/V) disclosed in the present application or recited, for example, in **claim 18**. Instead, it is respectfully

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submitted that paragraph 67 appears to discuss changes in statistics calculated by a computer/telephony integration monitoring server (CTIMS). Paragraph 71 discusses FIG. 13, which depicts an example window that is generated by the monitoring system client. For example, if **an agent** is in an available state, unavailable state or error/unknown state, an icon associated with that state is displayed in a rectangle <u>associated with the **agent**</u>. Paragraph 71 does not discuss the "raw data" of McDuff and does not disclose or suggest raw switch data or that raw switch data includes recent change and verify data (RC/V) discussed in the present application and recited, for example, in **claim 18**. Accordingly, it is respectfully submitted that **claim 18** is not anticipated and is not obvious in light of McDuff and Probert.

Additionally, the Office Action does not address the arguments presented on, for example, pages 15-17 of Applicant's Amendment G that Boyle does not disclose new product testing for customer acceptance testing as recited, for example, in **claims 2** and **3** of the present application.

For at least the foregoing additional reasons, **claims 2** and **3** are not anticipated and are not obvious in light of McDuff, Probert and Boyle.

The Claims are not Obvious

The present Office Action maintains the rejection of **claims 1, 7-8, 10, 12, 15, 18-20** and **22** under 35 USC 103(a) as being unpatentable over McDuff in view of Probert. In this regard, arguments similar to those submitted in support of **claims 1, 7-8, 10, 12, 15, 18-20** and **22** in Applicant's Amendment G and above in the Reply to Response to Arguments and the discussion of over-looked arguments are submitted in support of **claims 1, 7-8, 10, 12, 15, 18-20** and **22** and for those reasons, **claims 1, 7-8, 10, 12, 15, 18-20** and **22** are not anticipated and are not obvious in light of McDuff and Probert.

The present Office Action maintains the rejections of **claims 2-3, 9, 11, 17** and **21** under 35 USC 103(a) as being unpatentable over McDuff in view of Probert as applied to **claim 1** and further in view of Boyle. Accordingly, arguments similar to those submitted in Applicant's Amendment G as well as arguments presented above in the Reply to the Response to Arguments and in the discussion of arguments that were overlooked are submitted in support of **claims 2-3, 9, 11, 17** and **21**. And for at least those reasons, **claims 2-3, 9, 11, 17** and **21** are not anticipated and are not obvious in light of McDuff, Probert and Boyle.

Claims 4-6, 16 and **23** were rejected under 35 U.S.C. §103(a) as being unpatentable over McDuff in view of Probert as applied to **claim 1** and further in view of Gupta.

However, Gupta is directed toward a method for invoking dynamically modifiable subscriber services and an intelligent telecommunication network incorporating the same. Gupta does not disclose or suggest using the output of a converter as a layout, preparing scripts containing database modification commands, transferring said scripts to a digital switching system and via said digital switching system, executing said scripts to modify the switch database associated with the raw switch data as recited in **claim 4**.

Further in this regard, the Office Action stipulates that McDuff and Probert do not, for example, disclose using the output of said converter as a layout, preparing scripts containing database modification commands and the rest of the elements recited in **claim 4**.

In explaining the rejection of **claim 4**, the Office Action asserts that Gupta discloses using the data at a switch center, preparing scripts containing database modification commands and directs the attention of the Applicant to column 1, line 58 - column 2, line 19, in support of the assertion. However, **claim 4** does not recite using the data at a switching center, preparing scripts containing database modification commands. Instead, **claim 4** recites using the output of said converter as a layout, preparing scripts containing database modification commands. Accordingly, even if Gupta disclosed the subject matter asserted by the Office Action (which is disputed), Gupta does not disclose or suggest the subject matter of **claim 4**.

Furthermore, while the cited portions of column 1 include the word --script-- and the word --database--, the cited portion does not disclose or suggest using the output of said converter as a layout, preparing scripts containing database modification commands, as recited in **claim 4**. Moreover, the cited portions of columns 1 and 2 do not disclose or suggest --having scripts for modifying data at switch center-- as asserted by the Office Action. Instead, Gupta asserts that "in contrast with prior techniques, the present invention greatly enhances the ability to add, delete or otherwise modify **calling features** and other advanced, subscriber services for users of an intelligent telecommunications network." "Such Flexibility is achieved by provided downloadable script files, each containing programming script needed to **initiate a calling feature** or other advanced subscriber service and a criteria statement used for triggering execution

of the programming script at a database located at a central office or at a home location register. While the programming script may include information necessary for the switch to **provide the calling feature** or other advanced subscriber service, generally, execution of the programming script **causes the switch to transmit a message** to a device containing the information needed to provide the calling feature or other advanced subscriber service, for example, by sending an appropriate message to an off-board SCP." (Emphasis added) The cited portion does not disclose or suggest that executing the scripts modifies data at a switching center as asserted by the Office Action or that **the scripts** contain database modification commands as recited, for example, in **claim 4** of the present application. Additionally, the Office Action provides no suggestion of a motivation to modify McDuff and Probert according to Gupta. Therefore, the Office has not met its burden for presenting a *prima facie* case of obviousness, and **claim 4** is not anticipated and is not obvious in light of McDuff, Probert and Gupta.

Moreover, it is respectfully submitted that there is no motivation for modifying McDuff and Probert according to the disclosure of Gupta and that making such a modification would not arrive at the subject matter of the present application. McDuff does not disclose or suggest raw switch data stored in a database of a switch. The data addressed by McDuff is data that indicates the activity of agents and is not the kind of raw switch data that is stored in a database of a switch. Furthermore, the agent activity data of McDuff is presumably accurate and presumably reflects the desired information. Accordingly, there is no motivation to modify the agent activity data of McDuff. Furthermore, even if they were motivation to modify the data of McDuff, it is respectfully submitted that the data would be modified at or in association with the CTIMS 36 of McDuff and not at a switch or even the automatic call distributor of McDuff.

For at least the foregoing additional reasons, **claim 4** is not anticipated and is not obvious in light of McDuff, Probert and Gupta.

Claims 5-6, 16 and **23** were rejected under the same rationale as **claim 4**. Accordingly, arguments similar to those submitted in support of **claim 4** are submitted in support of **claims 5-6, 16** and **23**.

For at least the foregoing additional reasons, **claims 5-6, 16** and **23** are not anticipated and are not obvious in light of McDuff, Probert and Gupta.
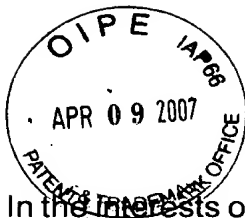
Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1-12 and **15-23** remain in the application. For at least the foregoing reasons, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

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April 4, 2007
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Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

☒ deposited with the United States Postal Service as First Class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.

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